

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAKE DANIEL VOIE,

Petitioner,

v.

KATHY GREY,

Respondent.

Case No. C04-1765 RJB/KLS


ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE AS TIME
BARRED PURSUANT TO 28 U.S.C.
§ 2244(d)

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of Magistrate Judge Karen L. Strombom, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation, with the revision set forth below.
- (2) Petitioner's conviction became final for purposes of 28 U.S.C. § 2244(d)(1)(A) thirty days after he was his judgment and sentence was entered by the clerk on June 26, 2002. *See* Washington RAP 5.2(a). This petition for writ of habeas corpus was signed on August 31, 2004, more than one year after petitioner's conviction became final pursuant to 28 U.S.C. § 2244(d)(1)(A). Respondent's motion to dismiss as time barred (Dkt. 35) is **GRANTED**.
- (3) Petitioner's writ of habeas corpus (Dkt. 9) is **DISMISSED WITH PREJUDICE**.

1 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
2 defendants and to the Hon. Karen L. Strombom.

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4 DATED this 10th day of October, 2006.

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8 ROBERT J. BRYAN
9 United States District Court Judge
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